

# LAND AND CHEMICALS DIVISION

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## COMMENTS:

State notified 10/14

\* prior to mailing contact Cindy for the attachments to the inspection report.

Attachments provided on 10-29-15 cmj





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 22 2015

**CERTIFIED MAIL 7009 1680 0000 7648 7696**  
**RETURN RECEIPT REQUESTED**

REPLY TO THE ATTENTION OF:

Mr. Michael Muehlenberg  
EHS Manager  
GE Medical Systems Electric  
4855 W. Electric Avenue  
West Milwaukee, Wisconsin 53158

Re: Notice of Violation  
Compliance Evaluation Inspection  
WID 086 686 003

Dear Mr. Muehlenberg:

On June 24, 2015 a representative of the U.S. Environmental Protection Agency inspected the GE Medical Systems Electric facility located in West Milwaukee, Wisconsin. As a large quantity generator of hazardous waste, GE Medical Systems Electric is subject to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* (RCRA). The purpose of the inspection was to evaluate GE Medical Systems Electric's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your reference.

Based on information provided by GE Medical Systems Electric, EPA's review of records pertaining to GE Medical Systems Electric, and the inspector's observations, EPA has determined that GE Medical Systems Electric has unlawfully stored hazardous waste without a license or interim status as a result of GE Medical Systems Electric's violation of certain requirements for a license exemption under Wis. Admin. Code § NR 662.034(1)-(3). EPA has identified the license exemption requirement(s) violated by GE Medical Systems Electric as of the date of the inspection in paragraphs 1 - 3, below.

**STORAGE OF HAZARDOUS WASTE WITHOUT A LICENSE OR INTERIM STATUS**

At the time of the inspection, GE Medical Systems Electric violated the following large quantity generator license exemption requirements:

1. Personnel Training

Under Wis. Admin. Code § NR 662.034(1)(d) and 665.0016(2) [40 C.F.R. § 262.34(a)(4) and 265.16(a)(1)], a large quantity generator must have a program of classroom instruction or on-the-job training that teaches facility personnel to perform their duties in a way that ensures the facility's compliance with requirements of RCRA. This program



must be directed by a person trained in hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. *See* Wis. Admin. Code § NR 662.034(1)(d) and 665.0016(2) [40 C.F.R. § 262.34(a)(4) and 265.16(a)(2)]. Facility personnel must successfully complete this training program within six months after the date of their employment or assignment to a facility or to a new position at the facility, and must take part in annual review of this initial training thereafter. *See* Wis. Admin. Code § NR 662.034(1)(d) and 665.0016(3) [40 C.F.R. § 262.34(a)(4) and 265.16(b) and (c)].

With respect to this training program, a large quantity generator must maintain the following documents and records at the facility:

- 1) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;
- 2) A written job description for each position at the facility related to hazardous waste management;
- 3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling the position at the facility related to hazardous waste management; and
- 4) Records that document that the training or job experience described above has been given to and completed by facility personnel. *See* Wis. Admin. Code § NR 662.034(1)(d) and 665.0016 (4) and (5) [40 C.F.R. § 262.34(a)(4) and 265.16(d)].

GE Medical Systems Electric did not provide written description of the amount of introductory and continuing training given to employees with duties related to hazardous waste management for the following personnel:

1. Haleh Kord, 2012, 2013, and 2014
2. Lisa Puzach, 2012, 2013, and 2014
3. Ray Simons, 2012, 2013, and 2014
4. Michael Muehlenberg, 2012, 2013, and 2014
5. Ron Kleman, 2012, 2013, and 2014
6. Alan Willhite, 2012, 2013, and 2014
7. Curtis Rice, 2012, 2013, and 2014
8. Nick Nordi, 2012, 2013, and 2014
9. Jerry White, 2012, 2013, and 2014
10. Jim Nygaard, 2012, 2013, and 2014
11. Security Personnel, 2012, 2013, and 2014

## 2. Contingency Plan and Emergency Procedures

Under Wis. Admin. Code §§ NR 662.034(1)(d) and 665.0052 [40 C.F.R. §§ 262.34(a)(4) and 265.52], the contingency plan must describe the actions facility personnel must take to comply with § NR 665.0051 and 665.0056 [40 C.F.R. §§ 265.51 and 265.56] in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

Also, under Wis. Admin. Code §§ NR 662.034(1)(d) and 665.0053(2) [40 C.F.R. §§ 262.34(a)(4) and 265.53 (a)(b)], a large quantity generator must ensure that a copy of the contingency plan and all revisions to the plan be submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

The content of GE Medical System Electric's contingency plan does not adequately describe the actions facility personnel must take in response to fires, explosions, or releases at the facility. Additionally, GE Medical System Electric did not provide documentation to demonstrate the forwarding of its contingency plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that might be called upon to provide emergency services.

### 3. Preparedness and Prevention

Under Wis. Admin. Code §§ NR 662.034(1)(d) and 665.0037 [40 C.F.R. §§ 262.34(a)(4) and 265.37(a)], a large quantity generator must attempt to make the following arrangements, as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations:

- 1) Arrangements to familiarize police, fire departments, and emergency teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;
- 2) Where more than one police and fire department might respond to an emergency, agreements designating the primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;
- 3) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and
- 5) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

Also under Wis. Admin. Code §§ NR 662.034(1)(d) and 665.0037 [40 C.F.R. §§ 262.34(a)(4) and 265.37(b)], where a State and local authorities decline to enter into such agreements, the large quantity generator must document the refusal in the operating record.

GE Medical Systems Electric did not provide records to demonstrate the attempts to make arrangements and agreements with all local police departments, fire departments, hospitals, and State and local emergency response providers. Also GE Medical Systems Electric did not provide documentation to demonstrate the local hospital's awareness of the properties of the waste handled at the facility and the types of injuries or illnesses that could result from an emergency.

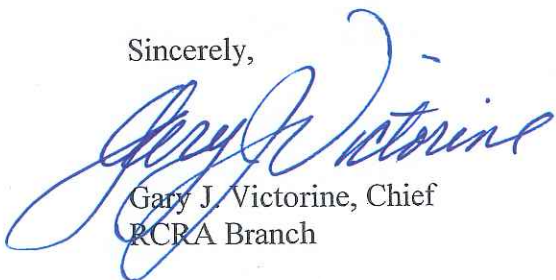
**Summary:** By violating the requirements for a license exemption, above, GE Medical Systems Electric became an operator of a hazardous waste storage facility, and was required to obtain a Wisconsin hazardous waste storage license. GE Medical Systems Electric failed to apply for such a license. GE Medical Systems Electric's failure to apply for and obtain a hazardous waste storage license violated the requirements of Wis. Admin. Code §§ NR 680.30, 680.31, and 680.32 [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)].

At this time, EPA is not requiring GE Medical Systems Electric to apply for a Wisconsin hazardous waste storage license so long as it immediately establishes compliance with the conditions for a license exemption outlined in paragraphs 1-3 above.

According to Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both. Although this letter is not such an order or a request for information under Section 3007 of RCRA, 42 U.S.C. § 6927, we request that you submit a response in writing to us no later than 30 days after receipt of this letter documenting the actions, if any, which you have taken since the inspection to establish compliance with the above conditions. You should submit your response to Cindy Dabner, U.S. EPA, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604.

If you have any questions regarding this letter, please contact Ms. Cindy Dabner, of my staff, at [dabner.cindy@epa.gov](mailto:dabner.cindy@epa.gov) or at 312-886-5890.

Sincerely,



Gary J. Victorine, Chief  
RCRA Branch

Enclosure

cc: Michael Ellenbecker, WI DNR, [Michael.Ellenbecker@wisconsin.gov](mailto:Michael.Ellenbecker@wisconsin.gov)